

Electronic Newsletter

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The Law Firm of Stephen M. Reck, LLC

P.O. Box 431
391 Norwich Westerly Road
Holly Green, Suite 2C-B
North Stonington, CT 06359
phone (860) 535-4040
fax (860) 535-3434

email attorneyreck@yahoo.com

www.stephenreck.com

<http://ctripersonalinjurylaw.blogspot.com>



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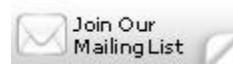
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Study: Medical Imaging Exposes Millions to High Radiation

The [New York Times](#) reported, "At least four million Americans under age 65 are exposed to high doses of radiation each year from medical imaging tests," according to a study appearing in the *New England Journal of Medicine*. Researchers also found that an estimated "400,000 of those patients receive very high

Fall on Wet Floor at Zoo Caused by Dolphins

doses, more than the maximum annual exposure allowed for nuclear power plant employees or anyone else who works with radioactive material."

The [AP](#) reported that "researchers found about 20 percent were exposed to moderate radiation doses and two percent were exposed to high levels." The work "did not directly address whether medical imaging is being overused, but some doctors are concerned that advanced tests like CT scans are being over-prescribed, and that evidence of their value in certain situations is lacking."

Whistleblower Accuses Toyota of Hiding Data in Hundreds of Cases

The [Los Angeles Times](#) reported that "Toyota spent years concealing evidence from victims of hundreds of rollover accidents that resulted in death and injury, a former top lawyer for the automaker says." Dimitrios P. Biller of Pacific Palisades, "a former managing counsel for Toyota Motor Sales USA Inc., said in the suit that the company repeatedly forced him to illegally withhold information from opposing lawyers and made him resign in September 2007." In a lawsuit filed in federal court in Los Angeles, "Biller accuses the world's largest automaker of destroying data in more than 300 accidents that proved vehicle roofs were substandard." Clarence Ditlow, executive director of the Center for Auto Safety, "said that if what Biller says is true, the financial repercussions for Toyota could be massive."



Studies: Parents Impact Teen Drivers

[USA Today](#) reported, two studies in the journal *Pediatric* show that "parents have a big impact on the safety of teen drivers. Parents who are actively involved in setting rules and boundaries, and following up on those rules, lead to safer drivers. Teens who say their parents are actively involved cut their risk of drinking and driving by 70%, are half as likely to speed and 30% less likely to use a cellphone. And kids who don't have access to their 'own' car - they have to ask for the keys - are half as likely to get into a crash."

Survey: Tired, Stressed Out Hospital Residents Report Making More Errors

[MedPage Today](#) reported, "Internal medicine residents who report higher levels of fatigue, sleepiness, and distress are at greater risk for reporting major medical errors," according to a [study](#) in the *Journal of the American Medical Association*. Researchers issued questionnaires to residents who had enrolled in a "Mayo Internal Medicine Well-being Study between July 2003 and February 2009." Among the "356 participants, 139 (39%) reported making at least one major medical error." Of those who reported an error, "68.7 percent screened positive for depression at some point during the study." The researchers also found that "one-point increases on the fatigue and sleepiness scales were associated with 14-percent and 10-percent increased likelihoods of an error being reported during the subsequent three months."

[Medscape](#) added that other factors associated with subsequent error were "burnout, depersonalization, emotional exhaustion, lower personal accomplishment, a positive depression screen," and a diminished overall quality of life. The study authors concluded that "in addition to the national efforts to reduce fatigue and sleepiness, well-designed interventions to prevent, identify, and treat distress among physicians are needed." Still, they stressed that "additional research is necessary to determine the most effective strategies for accomplishing these goals."



A woman sued the Chicago Zoological Society and the Brookfield Zoo claiming they "recklessly and willfully trained and encouraged the dolphins to throw water at the spectators in the stands making the floor wet and slippery," "failed to provide warnings of the slippery floor", "failed to provide mats ... when the staff knew the floor would get wet and slippery," and other negligent acts. Article [here](#).

Fatal Crash Leads to Floor Mat Inspections, Then Massive Recall

The [AP](#) reported last month that Toyota ordered its dealers "to inspect their cars for mismatched floor mats after a mat was suspected of snagging a gas pedal on a runaway Lexus, ending with a fiery crash that killed four family members in San Diego County." The family was riding in a loaner car from a Lexus dealership. Investigators determined that "a rubber all-weather floor mat found in the wreckage was slightly longer than the mat that belonged in the vehicle. That could have snared or covered the accelerator pedal."

On Sept. 29th, Toyota [announced](#) its largest recall ever, affecting 3.8 million vehicles, to address the floor mat problem.

Many Poorly Performing Hospitals Near Popular Vacation Spots

"A USA TODAY analysis finds two dozen hospitals near popular travel destinations, as compiled by the National Travel Monitor, have death rates among the worst in the USA." A separate analysis indicates that 25% of hospitals with high death rates for heart attack, heart failure or pneumonia are near state parks. Read [more](#).

Missouri Lawsuits Filed for Hog Odors

The [AP](#) reported that "Members of seven families, many of whom have lived in Gentry County [Missouri] most of their lives, are suing the Premium Standard



Professor: Tort Reform Will Not Lower Healthcare Costs

In its Prescriptions blog, the [New York Times](#) interviewed Tom Baker, a professor of law and health sciences at the University of Pennsylvania School of Law, on reasons why tort reform may not lower healthcare costs. He argues that "making the legal system less receptive to medical malpractice lawsuits will not significantly affect the costs of medical care." Baker calls tort reform "a red herring," arguing that "as the cost of healthcare goes up, the medical liability component of it has stayed fairly constant. That means it's part of the medical price inflation system, but it's not driving it." He calls the idea that there are many frivolous lawsuits "ludicrous" and points out, "We have approximately the same number of claims today as in the late 1980s. Think about that. The cost of healthcare has doubled since then."

AAJ Responds to Obama Healthcare Speech

AAJ President Anthony Tarricone notes that reducing physician accountability won't improve health care. "Trial attorneys see first-hand the effects medical errors have on patients and their families. We should keep these injured people in mind as the debate moves forward."

The AAJ suggests keeping the following points in mind when contacting your legislators on this issue:

* Medical malpractice is about real people, with real injuries. The Institute of Medicine estimates that 98,000 people die each year in the US from preventable medical errors. And, this number does not even include the countless other people who are injured by medical errors. Rather than reforming the legal system that provides protections to these injured patients, we must focus on reforming the medical system in this country to prevent these errors from ever happening in the first place.

* Americans should not have to give up rights, in order to gain the right to healthcare. President Obama has repeatedly stated that in America, healthcare is a right. Likewise, Americans should not have to relinquish their constitutionally protected 7th Amendment rights in order to gain access to quality healthcare. Patients' rights are not a bargaining chip.

* Health courts would be an expensive, bureaucratic nightmare. They would exchange a patient's constitutional right to a jury trial for a schedule of pre-determined outcomes that would be handed out by judges more interested in appeasing special interests than rendering justice to the injured patients standing before them. And health courts would not protect patients from wrongdoers, but instead, would shield doctors and hospitals from accountability for their careless, harmful acts. Health courts truly are an unfair proposition for patients.

* Practice Guidelines should not create immunity for negligence. Giving doctors immunity for complying with guidelines is an idea at odds with the fundamental principle of practice guidelines which has always been to improve patient quality by giving doctors some type of guidance when making decisions based on sound medical expert research. Practice guidelines were never intended to be stringent, inflexible rules for doctors to follow in exchange for legal immunity.

NY Times Says Clean Water Laws Widely Ignored

A review of water pollution records by [The New York Times](#) found that violations of the Clean Water Act have risen steadily across the nation in recent years. Almost 40 years ago, Congress passed the

[Farms] operation known as the Homan farm" over "stifling" hog odors. Since 1999, Kansas City attorney Charlie Speer has won trial verdicts of almost \$10 million from Premium Standard Farms.



"Entirely Preventable" Sugar Plant Fire Killed 14

"A huge fire last year at a sugar refinery near Savannah, Ga., that killed 14 workers and injured 36 more was 'entirely preventable,'" a federal official said last month. "The owner of the plant, the Imperial Sugar Company, and the plant's managers knew for decades about the hazards of sugar dust but failed to take the necessary precautions, according to the report, issued by the Chemical Safety Board, which investigates industrial chemical accidents." [Read more.](#)

AP: Drinking Water at Many Schools Unsafe

The [Washington Post](#) reported, "Over the last decade, the drinking water at thousands of schools across the country has been found to contain unsafe levels of lead, pesticides, and dozens of other toxins." The contamination "is most apparent at schools with wells," which represent 8-11% of the nation's schools. Part of the problem may be that the "responsibility for drinking water is spread among too many local, state, and federal agencies."

Swine Flu Vaccine Expected to Get Some Bad Publicity

"As soon as swine flu vaccinations start [this] month, some people getting them will drop dead of heart attacks or strokes, some children will have seizures and some pregnant women will miscarry. But those events will not necessarily have anything to do with the vaccine." [Read more.](#)

Clean Water Act "to force polluters to disclose the toxins they dump into waterways and to give regulators the power to fine or jail offenders. States have passed pollution statutes of their own." But in just the last five years, "chemical factories, manufacturing plants and other workplaces have violated water pollution laws more than half a million times. The violations range from failing to report emissions to dumping toxins at concentrations regulators say might contribute to cancer, birth defects and other illnesses.

However, the vast majority of those polluters have escaped punishment. State officials have repeatedly ignored obvious illegal dumping, and the Environmental Protection Agency, which can prosecute polluters when states fail to act, has often declined to intervene."

Pregnant Women May be Higher Risk for Swine Flu

USA Today reported that as of Sept. 3rd, 6% of confirmed deaths from the H1N1 virus (aka swine flu) have been pregnant women, according to the CDC. Pregnant women also are more likely to be hospitalized for H1N1 than the general population.

FDA to Review Medical Device Approval

Undue Influence Lead to Approval of Knee Device

The [New York Times](#) reported that a recent FDA report concluded that "four New Jersey congressmen and its own former commissioner unduly influenced the process that led to its decision last year to approve a patch for injured knees." FDA reviewers determined that ReGen Biologics Inc.'s Menaflex device was "unsafe" because it "often failed, forcing patients to get another operation." But in response to "'extreme,' 'unusual' and persistent pressure," agency managers "approved the device for sale," the report indicated.

Joshua Sharfstein, the FDA's principal deputy commissioner, said the report "shows there were 'definite threats' to the integrity of the FDA's medical-device review process," and as a result, the agency is now "reconsidering its decision on" the device, as well as "a complete review of the 510(k) program," the "fast-track process...under which Menaflex was approved." Read [more](#) from the Wall Street Journal.

Kids' Deaths Prompt Window Blinds Recall

The [AP](#) reported, "Six companies are recalling millions of window blinds and shades, following the deaths of three children who got caught in cords that help the coverings move up and down. The recalls, announced Wednesday by the Consumer Product Safety Commission, involve some big-name companies, including Pottery Barn Kids and IKEA as well as smaller companies that sold their window covers at retailers such as Target." CPSC "says the three deaths, which date back to 2006, involved blinds or shades made or imported by Vertical Land Inc., of Panama City Beach, Fla., and Lewis Hyman Inc., in Carson., Calif."

[CNN](#) reported, "'Any exposed loop in a window covering can become a noose for a child,' said CPSC spokesman Scott Wolfson. 'We're concerned about the inadequacy of current standards for shades and blinds.'"

MA Law Would Allow State to Forcibly Vaccinate

H1N1 hysteria appears to be leading some of us down the path to dictatorship.

Massachusetts, the cradle of liberty, has passed a bill, soon to be signed by the governor, that will allow the police to quarantine adults, remove kids from their parents and forcibly vaccinate them against the virus. [Fox News video here](#); read the law [here](#).



Recall Central

To read about recent recalls and product safety news from the U.S. Consumer Product Safety Commission, click [here](#).

Get the latest recall information from the National Highway Traffic Safety Administration [here](#).

The Dept. of Agriculture's Food Safety and Inspection Service regulate meat, poultry products and processed eggs. Check their recalls [here](#).

Click [here](#) for Food and Drug Administration recalls, market withdrawals and safety alerts.

For updates on the peanut products recall click [here](#).

FDA Bans Some Flavored Cigarettes

[USA Today](#) reported that the FDA "banned the sale of candy-, fruit- and clove-flavored cigarettes. The move was authorized by the Family Smoking Prevention and Tobacco Control Act, which President Obama signed in June."

"These flavored cigarettes are a gateway for many children and young adults to become regular smokers," FDA commissioner Dr. Margaret A. Hamburg said, according to a front-page story in the [New York Times](#). The Times noted that there has been confusion among distributors as to what constitutes a cigarette, and if other flavored tobacco products are affected by the ban.

Disease-Causing Bacteria Found in Some Shower Heads



A study released last month by the *Proceedings of the National Academies of Science* journal, looked at 45 showerheads in nine cities and found 20% had disease-causing "mycobacteria" microbes lurking "in their own slime." [Read more.](#)

GAO: USDA Failed to Tell Schools About Food Recalls

The [AP](#) reported, "Federal authorities failed to tell schools about recalls of potentially tainted peanut products and canned vegetables, and cafeterias may have unknowingly served them to children, the Government Accountability Office reported Tuesday. A GAO investigation found the Agriculture Department didn't always make sure states and schools were notified promptly about recalled food distributed through the federal school lunch and breakfast programs, which serve 30 million students." According to the GAO, it took as much as a week for states to determine which products had been recalled, and schools could have served the suspect food in the meantime. Secretary of Agriculture Tom Vilsack, in a written statement, said that the agency was working to develop a better food safety system; the US Food and Drug Administration also said it was moving to improve notification to schools."

Merck Paying Over 3,100 Vioxx Death Claims

[Bloomberg News](#) reported, "Merck & Co. is paying claims by the families of more than 3,100 users of its Vioxx painkiller who died of heart attacks or strokes blamed on the drug, according to a law firm administering a \$4.85 billion settlement fund." The drug was introduced in 1999 and withdrawn "in 2004 when a study showed the drug doubled the risk of heart attacks and strokes. Merck set up the fund, which covers claims of death and lesser injuries, in 2007 after reserving \$1.9 billion to fight 26,000 Vioxx suits."

New Law: Move Over for Emergency Vehicles on Side of Road

[The Day](#) reports that a new law effective Oct. 1 requires drivers "to slow down and move over one lane of traffic, if they can, when they see an emergency vehicle with flashing lights on the side of the road. Violators will be served an infraction and can be fined up to \$2,500. If there is an injury or a death, fines can be as much as \$10,000."

About Our Firm



At [The Law Firm of Stephen M. Reck](#), justice is our mission. Our firm is well known and well respected for its ability to handle personal injury, wrongful death, and professional malpractice cases in Connecticut and Rhode Island. Call today or visit us on the web at www.stephenreck.com.

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Doctors Group Calls for New Drug Warnings

The American College of Physicians has urged the FDA "to adopt a raft of new consumer safeguards for prescription drugs," recommending that the FDA "place limits on the advertising of newly approved drugs to the public, and require that prescription drugs that are new to the market bear a symbol alerting consumers to that fact." The physicians also "urged the agency to improve its system of detecting drug-safety problems once a newly approved drug is in broad circulation, and said the agency must do a better job of monitoring the safety of drugs manufactured abroad." [Read more.](#)



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The trial attorneys at The Law Firm of Stephen M. Reck, LLC represent individuals in all types of personal injury cases throughout the state of Connecticut and the state of Rhode Island, including, in Connecticut: New London County, New Haven County, Middlesex County, Hartford County, Tolland County, and Windham County; and in Rhode Island: Bristol County, Kent County, Newport County, Providence County, and Washington County.

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